



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2001

Mr. Doug Rosenkrance
Watermaster, Water District 34
Mackay, ID

Sent by FAX to (208) 588-3137

RE: Implementation of General Provisions in Water District 34

Dear Doug:

I am writing as the senior IDWR representative who participated in the negotiations that developed the new General Provisions in Water District 34. It is my understanding that you and others in Water District 34 have expressed concerns about the implementation of the new General Provisions. Because the General Provisions have been decreed by the District Court, these General Provisions should be implemented as soon as is practicable. If an appeal is filed, the provisions remain in effect unless stayed by the Court.

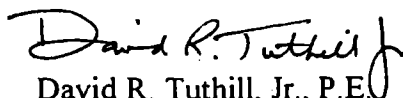
I have been advised that you have a specific question about General Provision 3g, which has been decreed as follows:

When the river is connected as specified in General Provision No. 6, while a right is rotated into storage, it is subordinate to all rights diverted above Mackay Reservoir with a priority date earlier than October 1, 1936.

During the negotiations, users of water upstream from Mackay Reservoir stated a concern that the ability of waterusers downstream from the reservoir to rotate direct flow water rights into storage could in some situations cause injury to water rights upstream from the reservoir. In response to this concern, the parties agreed to the language above. This General Provision provides that rotation into storage cannot occur when water rights senior to October 1, 1936 are being curtailed upstream from Mackay Reservoir. Stated another way, rotation into storage can continue when the river is disconnected (as defined by General Provision No. 6), and while the river is connected when curtailments are not being made to water rights upstream from Mackay Reservoir for priority dates senior to October 1, 1936.

Please contact me if this information does not address the question that you have raised. As you are aware, IDWR guidance regarding water distribution in your district comes from Mr. Tim Luke, and he will continue to provide this assistance.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Cc: Norm Young, Tim Luke, Susan Hamlin

MAILING LIST FOR
BIG LOST RIVER GENERAL PROVISIONS LETTER
06/15/01

SETH BEAL
PO BOX 46B
MOORE ID 83255

MATEA & JOHN MCCRAY
3470 COBBLESTONE LN
IDAHO FALLS ID 83404

YOUNG HARVEY WALKER
RT 1 BOX 200
ARCO ID 83213

PATRICK D BROWN
109 S ADAMS ST
JEROME ID 83338

HERB WHITWORTH JR
WILEY F SMITH
STAR ROUTE
MACKAY ID 83251

LAWARENCE BABCOCK
RT 1 BOX 66
MOORE ID 83255

G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

MITCHELL D SORENSEN
RT 1 BOX 63c-1
MOORE ID 83255

DOUG ROSENKRANCE
WATERMASTER
107 S MAIN AVE
MACKAY ID 83251

LARMEN D ANDERSEN
RT 1 BOX 52
MOORE ID 83255

DALE E SMITH
RT 1 BOX 22
MOORE ID 83255-9794

BIG LOST IRRIGATION DIST
PO BOX 205
MACKAY ID 83251